

 KENTUCKY CORRECTIONS Policies and Procedures	Policy Number	Total Pages
	27-21-01	3
	Date Filed	Effective Date
	Amended 12-9-08	February 6, 2009
Authority/References KRS 196.035, 196.037, 237.110(13), 431.005, 439.430, 439.470, 439.570, 533.030, 533.050 P&P ACA standard 3-3093, 3-3094, 3-3095, 3-3096, 3-3097, 3-3202	Subject APPREHENSION OF PROBATION AND PAROLE VIOLATORS	

I. DEFINITIONS

“Full restraints” means handcuffs, shackles, and belly chain.

“Inmate” means any person serving a term of incarceration in a halfway house or on the Home Incarceration Program.

“Offender” means any person placed under the supervision of the Kentucky Division of Probation and Parole by a court or the Kentucky Parole Board.

“Restraints” means a device used to restrict movement.

“Reasonable suspicion” means a less stringent standard than probable cause that requires no more than that the authority acting be able to point to specific and articulable facts that taken together with rationale inferences from those facts, reasonably warrant a belief that a condition of probation or parole has been or is being violated.

II. POLICY and PROCEDURE

A. Training Required

An officer shall be trained in the proper procedures for effecting an arrest prior to performing this duty and shall be trained annually on these procedures. (3-3093)

B. Authority to Make an Arrest

1. A Probation and Parole officer's authority to perform his duties or make an arrest is set forth in KRS 196.037(3) and KRS 431.005. (3-3093, 3-3094, 3-3095)
2. This authority shall only be exercised upon offenders currently under the supervision of Kentucky Probation and Parole or the Kentucky Department of Corrections.

Policy Number	Effective Date	Page
27-21-01	February 6, 2009	2

3. A new crime, except as outlined in subsection 5 of this section, committed by any person against or in the presence of a Probation and Parole Officer shall be investigated and arrests made by local law enforcement officials or the Kentucky State Police.
4. A Probation and Parole Officer may detain a person suspected of a new crime for the safety of all parties involved pending the arrival of local law enforcement officials.
5. A Probation and Parole Officer may place the charge of Escape, or its equivalent, on any inmate residing in a halfway house or participating in the Home Incarceration Program if the inmate leaves his assigned area without authorization.

C. Making an Arrest for Probation or Parole Violations

1. The officer shall request assistance from another officer or law enforcement official, if possible, in making an arrest. The officer shall be equipped with proper restraints and equipment (3-3097).
2. The officers shall, if possible, conduct a pre-arrest briefing among the participating officers prior to initiating a planned arrest. (3-3096)
3. The officer shall inform the offender being arrested of the violation and the reason for which he is being arrested.
4. The officer shall put the offender in restraints.
5. The officer shall search the offender upon an arrest.
6. If an offender is taken into custody or otherwise deprived of freedom, the officer may give the Miranda Warning to the alleged violator.
7. The Miranda warning shall be given if the officer believes information regarding other criminal charges may be obtained during questioning or detention of the alleged offender.
8. The officer shall take the offender to the local jail or detention facility or make arrangements with the local law enforcement official to transport the offender (3-3202).
9. If an offender is arrested for an alleged violation of the conditions of release, the officer shall follow the procedures outlined in CPP 27-19-01.

Policy Number	Effective Date	Page
27-21-01	February 6, 2009	3

D. Transportation of offenders - refer to CPP 9.9.